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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,534	05/29/2001	Terho Kaikuranta	017.40106X00	4327
22907 7590 05/14/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER GESESSE, TILAHUN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/865,534

Applicant(s)

KAIKURANTA ET AL.

Examiner

Tilahun B. Gesesse

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27,28,30-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-28,30--37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed February 20, 2007 have been fully considered but they are not persuasive.

As to the non-statutory obviousness double patenting rejection, applicant admitted that the rejection, submit concurrently herewith a terminal disclaimer on the remark. however, no terminal disclaimer has been filed.

On page 5, fourth paragraph of response, applicant argued that Till fails to teach regarding a light source being mounted in the inner surface of an outer decorative cover.

The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a light source being mounted in the inner surface of an outer decorative cover) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Till teaches a light source mounted in the inner surface (see figure 2 item #15).

To sum up, after reviewing applicant's argument in view of the teaching of the applied prior art, the prior art anticipates the applicant's broadly claimed invention, therefore the rejection in proper and maintained.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 27-28 and 30-38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 through 12 of copending Application publication No. 2001/0018332. Although the conflicting claims are not identical, they are not patentably distinct from each other because conflicting claims recites similar subject matter with claims of the present application. With obvious variations such as the wireless device includes a printed circuit board. The patent application publication a communication terminal handset inherently teaches the a printed circuit board in order to illuminate the lights of different color and controlling the pattern of light source and LEDs.

Lustial claims a translucent outer casing, a light source arranged for illumination of a substantial area of the casing , where the light source is capable of illuminating different portions of the casing in different colors.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27-28,30-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Till (US 6,435,690).

Regarding claim 27, Till teaches an outer decorative cover (30) for attachment to a wireless communication device (10) including a printed circuit board (see col.5, lines 1-19 and figure 2).

Till teaches an associated light source (see figs.4 and 10) mounted in an interior of the wireless device, the outer decorative cover (see col.5, lines 1-19) comprising:

Till teaches an inner and outer surface (see case 30 of figures 3-13 and col.4, lines 7-63).

Till teaches light source mounted in the inner surface (see item #15 of figure 2, inner light source mounted in the inner surface). Till teaches an optical fiber incorporated in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Till teaches the outer decorative cover is attached to the wireless communication device (10) and a side surface which transmits the light there through along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Regarding claim 30, Till teaches the optical member is embedded in the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Regarding claim 31, Till teaches the optical fiber is adhered to the inner surface of the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 32, Till teaches the optical fiber is adhered to the outer surface of the outer decorative cover (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 28, Till teaches an outer decorative cover (30) for attachment to a wireless communication device (10) including a printed circuit board (see col.5, lines 1-19 and figure 2).

Till teaches an associated light source (see figs.4 and 10) mounted in an interior of the wireless device, the outer decorative cover (see col.5, lines 1-19) comprising:

Till teaches an inner and outer surface (see case 30 of figures 3-13 and col.4, lines 7-63).

Till teaches light source mounted in the inner surface (see item #15 of figure 2, inner light source mounted in the inner surface).

Till teaches an optical fiber incorporated in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Till teaches the outer decorative cover is attached to the wireless communication device (10) and a side surface which transmits the light there through along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface (see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 33, Till teaches the optical fiber comprises an optical fiber thread(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 34 Till teaches an outer decorative cover as claimed in claim 28, wherein the optical fiber comprises an optical fiber panel(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 35 Till teaches the light source comprises a plurality of light emitting devices, each light emitting device being adapted to emit light of a different color, and the optical fiber comprises a plurality of optical fiber threads, the input end of each thread being adjacent a respective one of the light emitting devices so that each thread transmits light of a different color(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 36 Till teaches the light source comprises a plurality of light emitting devices, each light emitting device being adapted to emit light of a different color, and the optical fiber comprises a plurality of optical fiber panel portions, the input ends of



each panel portion being adjacent a respective one of the light emitting devices so that each panel portion transmits light of a different color(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12).

Claim 37, Till teaches the light source comprises a light emitting diode(see col.5, lines 1-19 and col.7, lines 28-34 and figure 9 and col.7, lines 59-col. 8, line 12 and col.1, lines 11-31).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Till in view of Lustila et al (US 2001/0018332).

Claims 39-40, Till does not teach expressly the light source is activated to emit light in response to receipt of an incoming call to the wireless communication device. However, Lustila teaches small light that flashes when incoming call is received (see paragraph 0005).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to light source is activated in response to incoming call , as taught

be Lustila , in order to alert the user of the wireless terminal , flash the light indicator in response to incoming call, to save incoming call from be missed or unattended.

***Response to Amendment***

The amendment filed February 20, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: claims 41-42 , recite the pattern is configured to permit playing of a visual game on the outer decorative cover of the wireless communication device.

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification that applicant relies upon reads as follows:

Panels can be incorporated to permit playing of a visual game on the cover of the telephone or other device. (see page 5, paragraph 0019 , lines 7-8). According the specification , other device or panel can be incorporate to permit playing of a visual game on the cover , not the pattern is configured to permit playing of a visual game on the outer decorative cover of the wireless communication device as claimed.

Therefore, applicant introduces new matter to the specification by claim subject matter not supported by the specification as filed.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

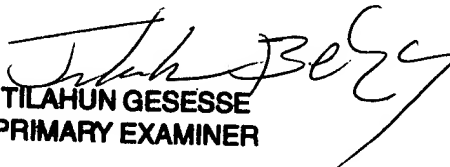
The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service

Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

May 1, 2007

  
TILAHUN GESESSE  
PRIMARY EXAMINER